

\$281 76, as assignees of *Richard Jordan*, being the full amount due him, as heir, for his share of the purchase money, as stated by the auditor's report of the 18th of March, 1829. And on the 31st of July, 1829, the auditor made another statement, in conformity thereto, awarding, as before, \$1,630 66 to *Lee* and wife, as their share of the before mentioned admitted balance of the purchase money, leaving the sum of \$4,609 58 of the proceeds of the sale made by the trustee *Merrick*, unappropriated. Which report was, by an order of the 30th of September, 1829, confirmed, and the proceeds directed to be applied accordingly.

*Stone & McWilliams*, by their petition, asked leave to take testimony in support of their claim against the estate of *Jeremiah Booth*, deceased, for its whole amount, by proving the insolvency of *Walker*, &c. Which leave, by an order of the 24th of June, 1830, was granted as prayed; and testimony was accordingly taken and filed proving the insolvency of *Walker*.

After which the petitioners *Lee* and wife and *Richard Jordan*, excepted to the auditor's report of the 18th of March, 1829. 1. Because they were entitled to be preferred to the amount of their claim over the other creditors. 2. Because, if not entitled to be preferred, they were to come in equally for it with such creditors. 3. Because they were therein charged with the sum of \$555 25, as if the same were admitted by their petition to be an amount received by them in addition to the amount already charged to them, or credited to *Jeremiah Booth* in the auditor's account filed on the 19th of June, 1826, and otherwise charged to them in the accounts and proceedings in this case; while, in fact, the said sum of \$555 25 is the aggregate of items marked in said account filed on the 19th of June, 1826, No. 3, 4, 5, 6, 7, 8 and 12; and in that account accordingly credited to the said *Booth*; the items No. 5, \$11, and No. 7, \$157 03, being those assumed by *Ann* the petitioner, in her said petition as received by, and paid for her separate account, in all \$167 03; and items No. 3, \$98; No. 4, \$40 15; No. 6, \$134 91; No. 8, \$50; and No. 12, \$65, being in like manner there so assumed by the petitioner *Richard*; being in all \$388 22; as these respective totals are apportioned in said petition. And 4. Because the said *Booth* is not charged with the further sum of \$219, part of the commission of *James Cook*, the trustee, which sum said *Cook*, in his account reported by him on the 13th of February, 1819, to the court, declares he paid over to the guardian of the petitioners, *Edmund Key*, for their use. The